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OFFICE OF PETITIONS

William E James
11 Poinsett Ave, #3
Greenville SC 29601

In re Application of
JAMES
Application No. 09/674,996
Filed: November 2, 2000
Attorney Docket No. (None)

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DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 9, 2007, to revive the above-identified application and the petition under 1.102(c)(1), filed August 3, 2006, to make the above-identified application special based on applicant's age and health as set forth in MPEP § 708.02, Sections III and IV.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition under 37 CFR 1.102(c)(1) based on the inventor's age is **GRANTED**.

The petition under 37 CFR 1.102(c)(1) based on the inventor's health is **DISMISSED** as moot.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

PETITION UNDER 37 CFR 1.137(b)

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 1, 2003. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 2, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137 (b) in that (1) the reply in the form of a Notice of Appeal and requisite of \$250; (2) the petition fee of \$750; and (3) the statement of unintentional delay have been received. Accordingly, the Notice of Appeal and the fee are accepted as having been unintentionally delayed.

PETITION UNDER 37 CFR 1.102

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of a driver's license of the inventor, William Edward James, indicating the inventor is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Because the above-identified having been accorded the special status based on the inventor's age, the petition to make special based on the inventor's health will not be addressed and is dismissed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4787.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3764 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

A handwritten signature in black ink, appearing to read "Denise Pothier", with a long horizontal line extending to the right.

Denise Pothier
Petitions Examiner
Office of Petitions